IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.3430 of 2002.
IN
FIRST APPEAL ST.NO.14959 OF 2000.

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

CORAM : ABHAY S.OKA, J.

DATED : 7th April, 2006.

P.C.:

1. Report of the Bailiff dated 17th January 2004 discloses that the Respondents Nos.1 and 2 have expired. The Application stands abated as against the Respondents Nos.1 and 2 as no steps are taken. Heard the Advocates appearing for the parties. The learned Advocate appearing for Respondent Nos.3 to 9 seeks time to file reply. The said Respondents are served with notice in the year 2004 and therefore, today time cannot be granted to file reply. In view of the averments made in paragraphs 6 to 9 of the Application, a case for condonation of delay is made out, as delay has been caused due to the circumstances beyond the control of the Applicant. However, contesting Respondents will have to be compensated by ordering payment of costs.

2. Hence Rule is made absolute in terms of prayer clause (a) subject to condition of the Applicants paying costs of Rs.2500/- to Respondents Nos.3 to 9 within four weeks from today. Payment of costs will be a condition precedent. It is made clear that the Appeal stands abated as against the Respondents Nos.1 and 2.

Judge.